

## **COUNTY OF FAIRFAX, VIRGINIA**

### **SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS**

CHARLES E. BUGGS, TRUSTEE AND GEORGIA S. BUGGS, TRUSTEE, SP 2012-DR-042 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of addition 24.9 ft. and deck 25.8 ft. from side lot line such that side yards total 35.6 ft. Located at 6603 Baymeadow Ct., McLean, 22101, on approx. 20,000 sq. ft. of land zoned R-1 (Cluster). Dranesville District. Tax Map 21-4 ((18)) 42. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on October 17, 2012; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the property.
2. The Board has a favorable staff recommendation and adopts the rationale in the staff report.
3. The addition is relatively modest compared to the scale of the house.
4. The reason why there is a total side yard dimensional issue is not really changing.
5. The addition in its location would otherwise comply with the minimum side yard on that side of the house, but this is a lot where the right-hand side line is skewed to the house so that the back corner of the house has a relatively short side yard 10.7 feet, and that is not changing by this addition.
6. The addition is really on the other side of the house.
7. Where the wall is for the addition and the deck is not significantly different from where the house is now.
8. The house is significantly more massive.
9. There is already a driveway and other things.
10. This is not significantly changing what is there now, or creating any additional negative impact on the neighbors.
11. It appears to be an attractive structure in the plans that are provided and were incorporated and added in the development conditions.
12. The Board determined that all of the Sect. 8-922 criteria have been met.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of two-story addition (528 square feet) and a deck with steps, as shown on the plat prepared Larry N. Scartz, dated May 15, 2012 as revised and sealed through June 20, 2012, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Sect. 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,619 square feet existing + 3,928.5 square feet (150%) = 6,547.5 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Byers seconded the motion, which carried by a vote of 6-0. Mr. Smith was absent from the meeting.

A Copy Teste:

Suzanne Frazier

Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax  
Commonwealth of Virginia

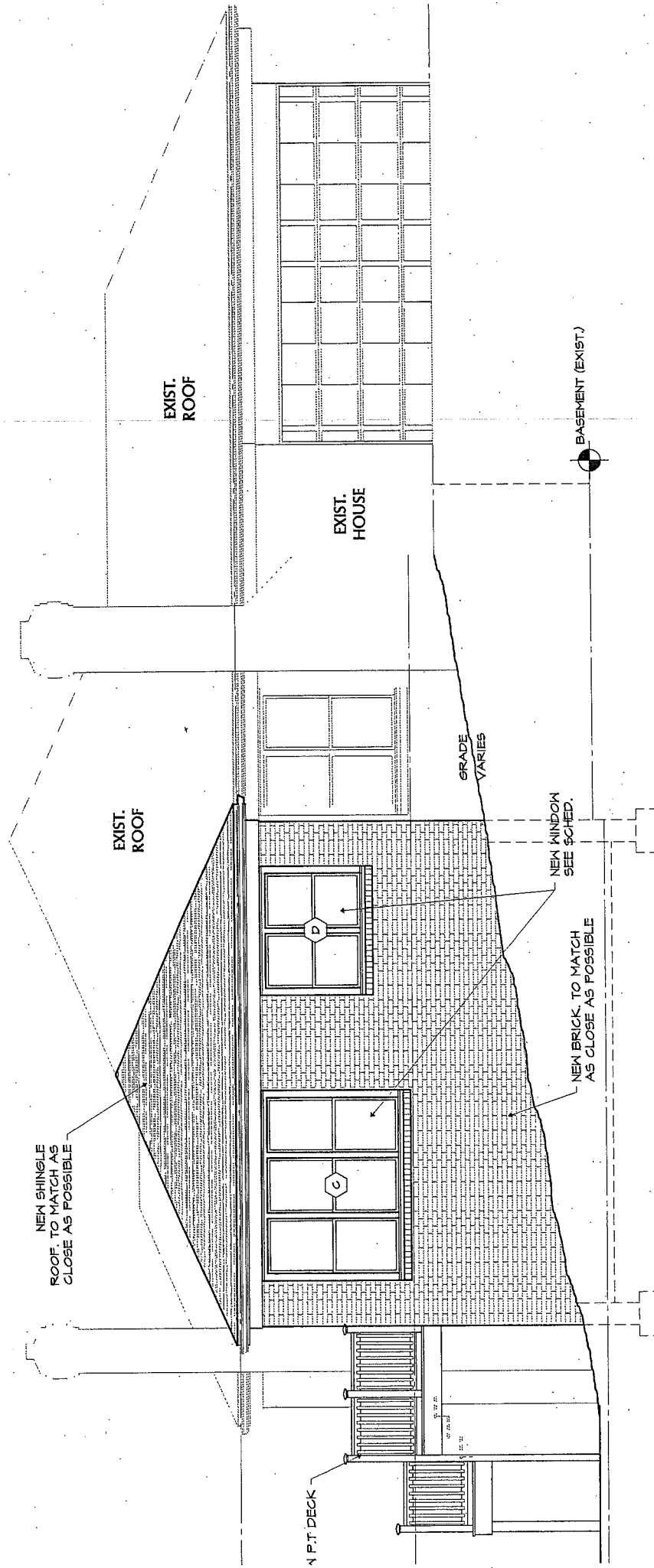
The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of October, 2012.

[Signature]  
Notary Public

My commission expires: September 30, 2016

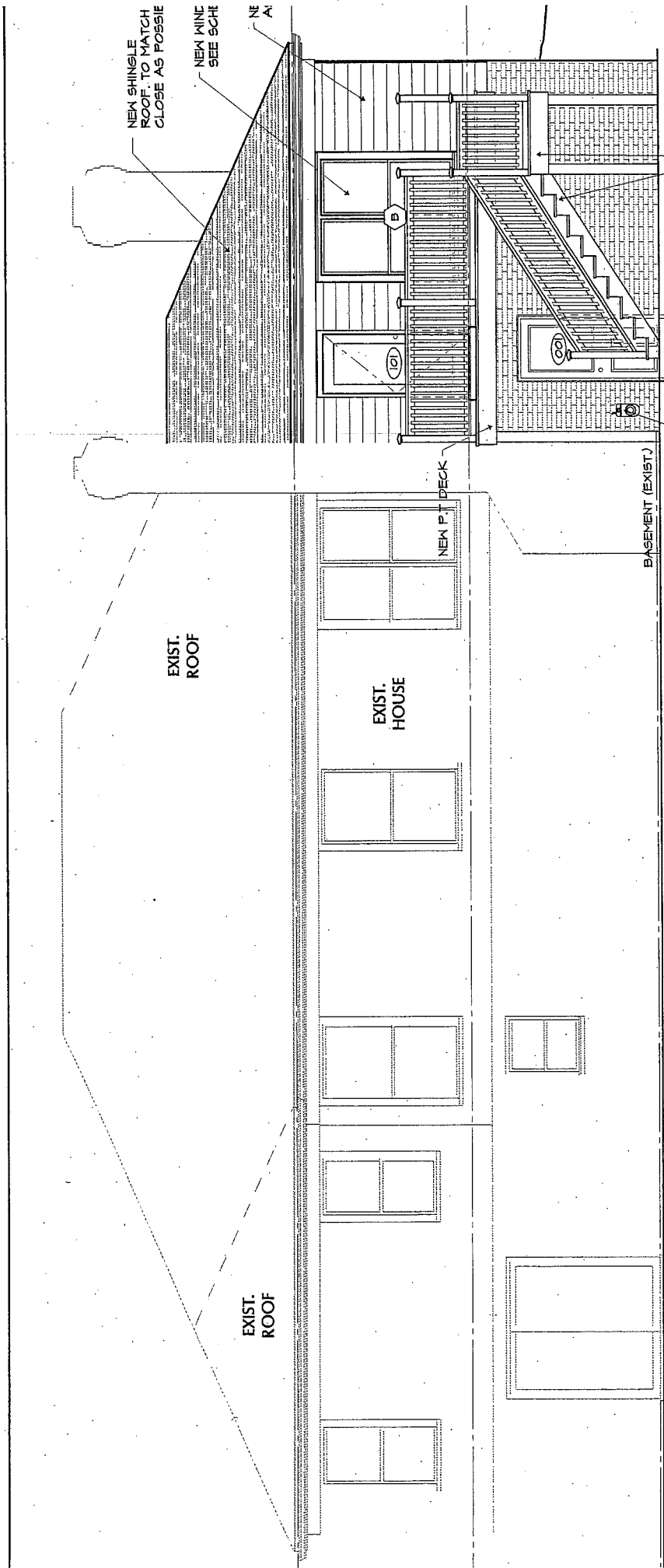


John W. Cooper  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #7518586  
My Commission Expires  
September 30, 2016



1 PROPOSED EAST ELEV.

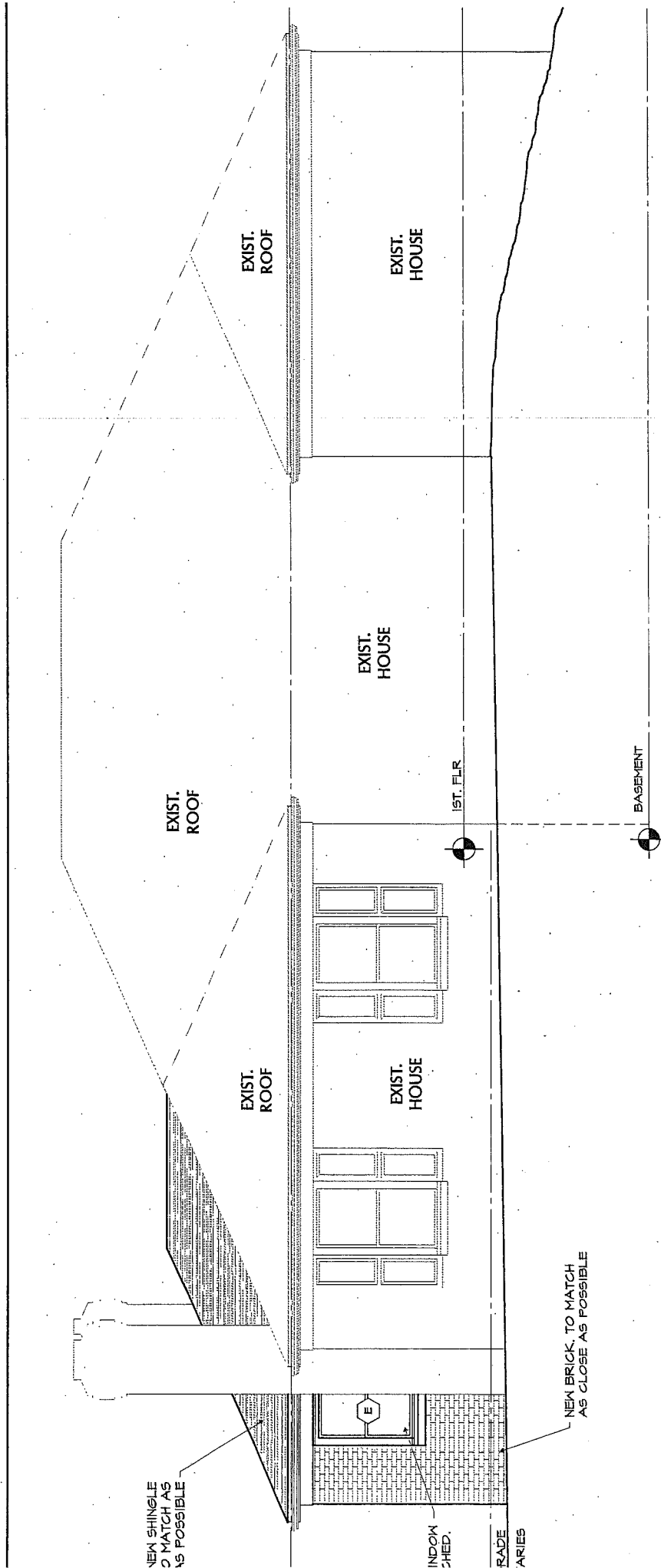
1/4" = 1'-0"



NECLIVE  
Department of Planning & Zoning  
July 2, 2012  
Zoning Evaluation Division

2 PROPOSED SOUTH ELEV.  
1/4"=1'-0"

RECEIVED  
Department of Planning & Zoning  
MAY 22 2012  
Zoning Evaluation Division



3 PROPOSED NORTH ELEV.  
1/4"=1'-0"